

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**07- 0 -1468**

**AN ORDINANCE TO ABANDON A PORTION OF MONTGOMERY STREET, S.E. BETWEEN WOODBINE AVENUE AND THE DEAD-END OF MONTGOMERY STREET; TO ABANDON A PORTION OF WOODBINE CIRCLE S.E. BETWEEN MONTGOMERY STREET TO APPROXIMATELY 136.21 FEET EAST OF MONTGOMERY STREET; TO ABANDON APPROXIMATELY 184.70 FEET OF UNIMPROVED RIGHT-OF-WAY EAST OF MONTGOMERY STREET, S.E., CONSISTING OF APPROXIMATELY 0.38 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A;" TO ABANDON A PORTION OF MONTGOMERY STREET S.E. BETWEEN WOODBINE AVENUE AND UNIMPROVED RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 0.04 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "B;" TO INCORPORATE BY REFERENCE BOTH EXHIBITS "A" AND "B" REPRESENTING PROPERTY LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City has received a formal request from the agent for the abutting property owners to abandon the portion of Montgomery Street, S.E. between Woodbine Avenue and the dead-end of Montgomery Street, and a portion of Woodbine Circle S.E. between Montgomery Street to approximately 136.21 Feet east of Montgomery Street, and approximately 184.70 feet of unimproved right-of-way east of Montgomery Street, S.E. consisting of approximately 0.38 acres being more specifically described in the attached Exhibit "A," and a portion of Montgomery Street S.E. between Woodbine Avenue and unimproved right-of-way consisting of approximately 0.04 acres and being more specifically described in the attached Exhibit "B," and incorporating by reference both Exhibits "A" And "B" representing property lying and being in Land Lot 207 of the 15th District, Fulton County, Georgia.

**WHEREAS**, the abandoned portion of Montgomery Street; Woodbine Circle and unimproved right-of-way will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA**, as follows:

**Section 1.** That the portion of Montgomery Street, S.E. between Woodbine Avenue and the dead-end of Montgomery Street, and a portion of Woodbine Circle S.E. between Montgomery Street to approximately 136.21 Feet east of Montgomery Street, and approximately 184.70 feet of unimproved right-of-way east of Montgomery Street, S.E. consisting of approximately 0.38 acres being more specifically described in the attached Exhibit "A," and a portion of Montgomery Street S.E. between Woodbine Avenue and

unimproved right-of-way consisting of approximately 0.04 acres and being more specifically described in the attached Exhibit "B," and incorporating by reference both Exhibits "A" And "B" representing property lying and being in Land Lot 207 of the 15th District, Fulton County, Georgia is hereby declared no longer useful or necessary for the public's use and convenience.

**Section 2.** That the City hereby expresses its intent to abandon Montgomery Street; Woodbine Circle and unimproved right-of-way (as hereinabove defined).

**Section 3.** That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of Montgomery Street; Woodbine Circle and the unimproved right-of-way.

**Section 4.** That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

**Section 5.** That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine its fair market land value.

**Section 6.** That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

**Section 7.** That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

**Section 8.** That the date of execution of this ordinance by the Mayor shall be the effective date of abandonment.

**Section 9:** That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

## SAMPLES & ASSOCIATES

529 Waterford Road, NW  
Atlanta, Georgia 30318

**Jared L. Samples**  
Managing Partner

### **LEGAL DESCRIPTION TRACT A**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 207 of the 15<sup>TH</sup> Land District, County of DeKalb, State of Georgia, and being more particularly described as follows:

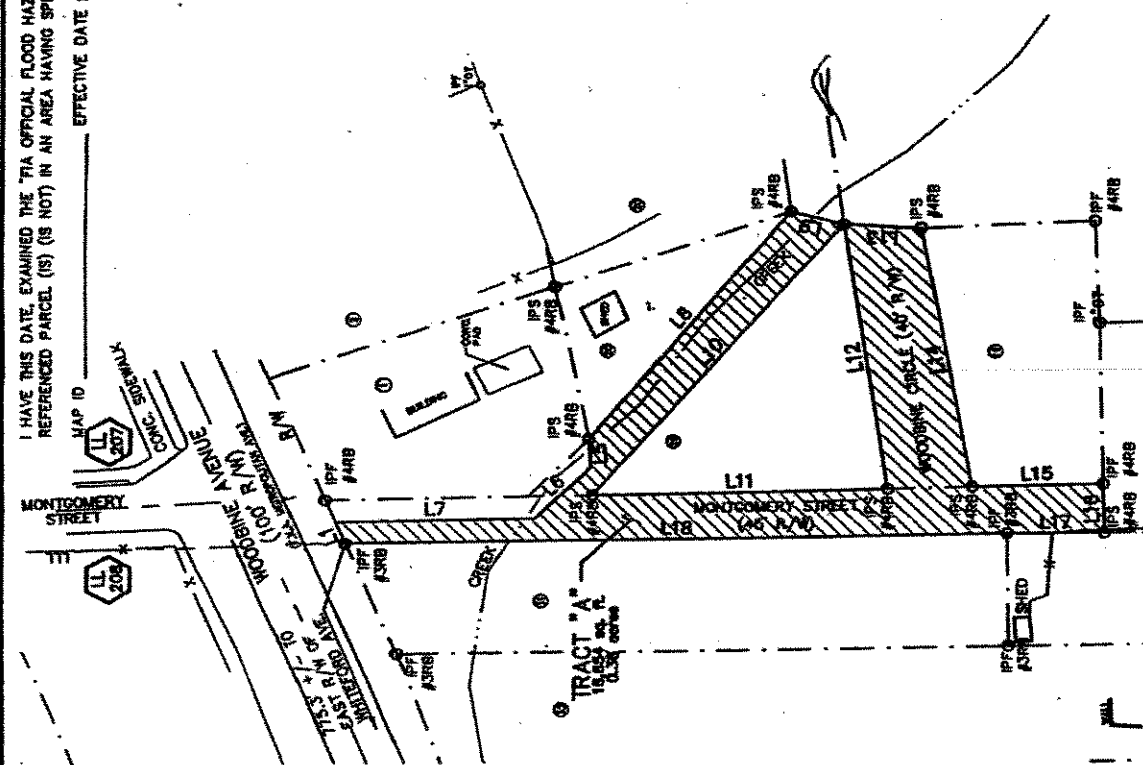
Commencing at the intersection of the south 100 foot Right-of-Way of Woodbine Circle, F.K.A. Metropolitan Avenue, and the east Right-of-Way of Whiteford Avenue; Thence, easterly along the south 100 foot Right-of-Way of Woodbine Circle a distance of 775.3 feet, more or less, to a 1/4" iron pin found, said pin being at the intersection of said Right-of-Way and the west line of Land Lot 207, said pin also being the **POINT OF BEGINNING**:

Thence, away from said Land Lot Line and along said Right-of-Way North 66 Degrees 42 Minutes 50 Seconds East a distance of 12.27 feet to a point;  
Thence, away from said Right-of-Way South 00 Degrees 56 Minutes 07 Seconds East a distance of 95.20 feet to a point;  
Thence, South 44 Degrees 54 Minutes 19 Seconds East a distance of 37.46 feet to a point;  
Thence, North 86 Degrees 23 Minutes 50 Seconds East a distance of 14.27 feet to a 1/2" iron pin found;  
Thence, South 49 Degrees 58 Minutes 23 Seconds East a distance of 152.78 feet to a 1/2" iron pin found;  
Thence, South 15 Degrees 00 Minutes 32 Seconds West a distance of 26.52 feet to a 1/2" iron pin found;  
Thence, North 48 Degrees 37 Minutes 39 Seconds West a distance of 184.70 feet to a 1/2" iron pin found;  
Thence, South 01 Degrees 07 Minutes 01 Seconds East a distance of 143.00 feet to a 1/2" iron pin found;  
Thence, North 81 Degrees 15 Minutes 13 Seconds East a distance of 137.41 feet to a 1/2" iron pin found;  
Thence, South 03 Degrees 27 Minutes 40 Seconds West a distance of 37.13 feet to a 1/2" iron pin found;  
Thence, South 79 Degrees 36 Minutes 24 Seconds West a distance of 135.00 feet to a 1/2" iron pin found;  
Thence, South 01 Degrees 07 Minutes 01 Seconds East a distance of 63.00 feet to a 1/2" iron pin found;  
Thence, South 88 Degrees 20 Minutes 23 Seconds West a distance of 25.45 feet to a 1/2" iron pin found, said pin being on the west line of Land Lot 207;  
Thence, along said Land Lot Line North 00 Degrees 21 Minutes 36 Seconds West a distance of 46.67 feet to a 1/4" iron pin found;  
Thence, continuing along said Land Lot Line North 00 Degrees 44 Minutes 21 Seconds West a distance of 318.34 feet to a 1/4" iron pin found and the **POINT OF BEGINNING**.

Tract described herein containing 16,657 square feet or 0.38 acres of land, more or less, as shown on a survey by Frontline Surveying & Mapping, Inc., dated June 30, 2005.

I HAVE THIS DATE, EXAMINED THE "TIA OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED PARCEL (S) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

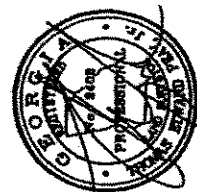
EFFECTIVE DATE: \_\_\_\_\_



LINE	LENGTH	BEARING
L1	12.27	N88°42'00"E
L2	12.27	N88°42'00"E
L3	66.51	S01°07'01"E
L4	41.20	S44°34'18"E
L5	14.27	S88°23'50"W
L6	37.45	N44°54'18"W
L7	95.50	N00°28'07"W
L8	152.78	S45°38'23"E
L9	26.52	S15°00'30"E
L10	154.73	N45°37'58"W
L11	143.00	S01°07'01"E
L12	137.41	N81°16'13"E
L13	37.13	S53°27'40"W
L14	135.00	S77°36'28"W
L15	63.00	S01°07'01"E
L16	25.45	S88°20'23"W
L17	48.57	N00°21'38"W
L18	318.34	N00°44'21"W

**FRONTLINE**  
 3595 Canton Road  
 A-9, PMB 272  
 Marietta, GA 30066  
 Ph. (678) 355-9905  
 Fax (678) 355-9805  
[www.frontlinesurveying.com](http://www.frontlinesurveying.com)

PLAT PREPARED FOR :



JOB # 32423

DATE 06/60/05

**J. A. DEVELOPMENT, INC.**

OWNER / PURCHASER

LAND LOT 207 15TH DISTRICT SECTION DEKALB COUNTY, GEORGIA

LOT BLOCK UNIT AREA OF LOT

SUBDIVISION

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 100,000 FEET. AN ANNUAL ERROR OF 3 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000 FEET. NO ELECTRIC TIEL BEARON AND A LOT CLOSURE WAS USED TO OBTAIN THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO M.S. MONUMENT WAS FOUND WITHIN 500 FEET OF THIS PROPERTY. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNLAWFUL PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RECOMMENDATION BY THE SURVEYOR NAMED SAID PERSON, PERSONS OR ENTITY. THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF FRONTLINE SURVEYING & MAPPING, INC. AND NO PART THEREOF MAY BE USED, COPIED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION. COPYRIGHT 2005 FRONTLINE SURVEYING & MAPPING, INC. ALL RIGHTS PERTAINING TO THIS ARE RESERVED.

**LEGAL DESCRIPTION  
TRACT B**

ALL THAT TRACT or PARCEL OF LAND lying and being in Land Lot 207 of the 15<sup>TH</sup> Land District, County of DeKalb, State of Georgia, and being more particularly described as follows:

Commencing at the intersection of the south 100 foot Right-of-Way of Woodbine Circle, F.K.A. Metropolitan Avenue, and the east Right-of Way of Whiteford Avenue; Thence, easterly along the south 100 foot Right-of-Way of Woodbine Circle a distance of 775.3 feet, more or less, to a 1/4" iron pin, said pin being on the intersection of said Right-of-Way and the west line of Land Lot 207; Thence, away from said Land Lot Line and along said Right-of-Way North 66 Degrees 42 Minutes 50 Seconds East a distance of 12.27 feet to a point; Thence, continuing along said Right-of-Way North 66 Degrees 42 Minutes 50 Seconds East a distance of 12.27 feet to a 1/2" iron pin found and the **POINT OF BEGINNING**:

Thence, away from said Right-of-Way South 01 degrees 07 minutes 01 seconds East a distance of 96.51 feet to a point;

Thence, South 44 degrees 54 minutes 19 seconds East a distance of 41.20 feet to a 1/2" iron pin found;

Thence, South 86-degrees 23 minutes 50 seconds West a distance of 14.27 feet to a point;

Thence, North 44 degrees 54 minutes 19 seconds West a distance of 37.46 feet to a point;

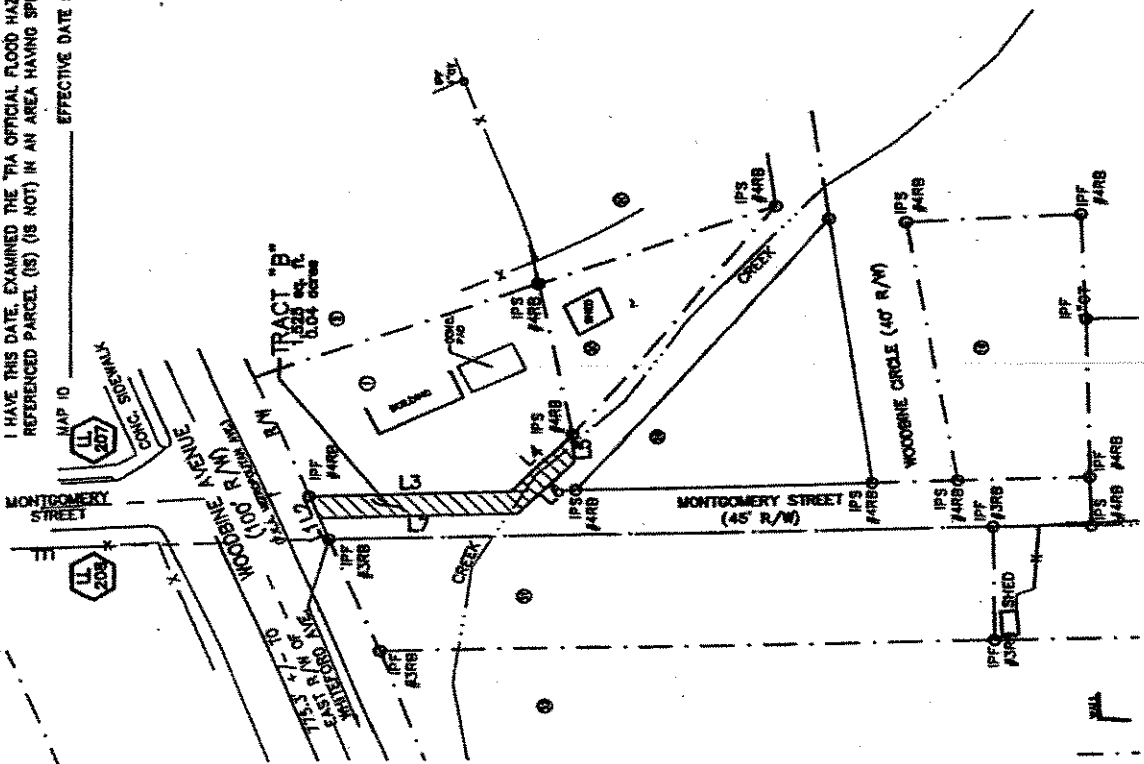
Thence, North 00 degrees 56 minutes 07 seconds West a distance of 95.20 feet to a point, said point being on the south 100 foot Right-of-Way of Woodbine Circle;

Thence, along said Right-of-Way North 66 degrees 42 minutes 50 seconds East a distance of 12.27 feet to a 1/2" iron pin found and the **POINT OF BEGINNING**.

Tract described herein containing 1,525 square feet or 0.04 acres of land, more or less, as shown on a survey by Frontline Suveying & Mapping, Inc., dated June 30, 2005.

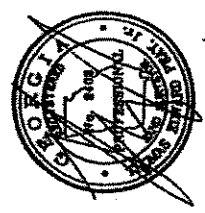
I HAVE THIS DATE, EXAMINED THE "PLAT OFFICIAL FLOOD HAZARD MAP" AND FOUND REFERENCED PARCEL (S) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

EFFECTIVE DATE: \_\_\_\_\_



LINE	LENGTH	BEARING
L1	12.27	N 88° 42' 50" E
L2	12.27	N 88° 42' 50" E
L3	94.51	S 89° 23' 50" W
L4	41.20	S 84° 54' 10" E
L5	14.27	S 89° 23' 50" W
L6	37.48	N 44° 54' 10" W
L7	85.30	N 00° 58' 07" W

3595 Canton Road  
A-9, PMB 272  
Marietta, GA 30066  
Ph. (678) 355-9905  
Fax (678) 355-9805  
www.ironlinesurveying.com



JOB # 32423

OWNER / PURCHASER: **J. A. DEVELOPMENT, INC.**

DATE: 06/60/05

SCALE: 1" = 60'

LAND LOT 207

15TH DISTRICT

SECTION

DEKALB COUNTY, GEORGIA

LOT

BLOCK

UNIT

AREA OF LOT

SUBDIVISION

PLAT PREPARED FOR: \_\_\_\_\_

DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

FROM WITHOUT WRITTEN PERMISSION, NO PART OF THIS PLAT MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. THIS PLAT IS THE PROPERTY OF THE SURVEYOR AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAT. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAT. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAT.

**MONTGOMERY STREET/WOODBINE CIRCLE/UNIMPROVED RIGHT-OF-  
WAY ABANDONMENT**

- |    |                  |                                 |
|----|------------------|---------------------------------|
| 1. | Land Lot         | 207                             |
| 2. | Council District | 5                               |
| 3. | County           | FULTON                          |
| 4. | Acreage          | 0.42                            |
| 5. | Applicant        | Jared L. Samples (404) 822-1946 |

**Part II: Legislative White Paper:**

**A. To be completed by Legislative Counsel:**

**Committee of Purview:** City Utilities

**Caption:** AN ORDINANCE  
BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION OF MONTGOMERY STREET, S.E. BETWEEN WOODBINE AVENUE AND THE DEAD-END OF MONTGOMERY STREET; TO ABANDON A PORTION OF WOODBINE CIRCLE S.E. BETWEEN MONTGOMERY STREET TO APPROXIMATELY 136.21 FEET EAST OF MONTGOMERY STREET; TO ABANDON APPROXIMATELY 184.70 FEET OF UNIMPROVED RIGHT-OF-WAY EAST OF MONTGOMERY STREET, S.E., CONSISTING OF APPROXIMATELY 0.38 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A;" TO ABANDON A PORTION OF MONTGOMERY STREET S.E. BETWEEN WOODBINE AVENUE AND UNIMPROVED RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 0.04 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "B;" TO INCORPORATE BY REFERENCE BOTH EXHIBITS "A" AND "B" REPRESENTING PROPERTY LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

**Council Meeting Date:** September 4, 2007

**Requesting Dept.:** Public Works

**B. To be completed by the department:**

1. Please provide a summary of the purpose of this legislation (Justification Statement).

THE PURPOSE OF THIS LEGISLATION IS TO  
ABANDON CITY OF ATLANTA RIGHT-OF-WAY FOR  
DEVELOPMENT.

2. Please provide background information regarding this legislation.

ABANDONMENT OF MONTGOMERY STREET, S.E. FROM 12.27 FEET TO 858.28 FEET SOUTH OF WOODBINE AVENUE; AND WOODBINE CIRCLE, S.E. BETWEEN MONTGOMERY STREET TO APPROX. 136.21 FEET EAST OF MONTGOMERY STREET; AND APPROX. 184.70 FEET OF UNIMPROVED RIGHT-OF-WAY EAST OF MONTGOMERY STREET, S.E.



**3. If Applicable/Known:**

- (a) Contract Type (e.g. Professional Services, Construction Agreement, etc):
- (b) Source Selection:
- (c) Bids/Proposals Due:
- (d) Invitations Issued:
- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

**4. Fund Account Center (Ex. Name and number):**

Fund: \_\_\_\_\_ Account: \_\_\_\_\_ Center: \_\_\_\_\_

**5. Source of Funds: *Example: Local Assistance Grant***

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By: WAHAB ALABI**

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: ext. 6002

Originating Department: Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: July 9, 2007

Anticipated Committee Meeting Date(s): July 31 and August 28, 2007

Anticipated Full Council Date: September 4, 2007

Legislative Counsel's Signature: Terry Grandison

Commissioner Signature: David E. Scott, P.E.

Chief Procurement Officer Signature: \_\_\_\_\_

**CAPTION**

AN ORDINANCE

BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON A PORTION OF MONTGOMERY STREET, S.E. BETWEEN WOODBINE AVENUE AND THE DEAD-END OF MONTGOMERY STREET; TO ABANDON A PORTION OF WOODBINE CIRCLE S.E. BETWEEN MONTGOMERY STREET TO APPROXIMATELY 136.21 FEET EAST OF MONTGOMERY STREET; TO ABANDON APPROXIMATELY 184.70 FEET OF UNIMPROVED RIGHT-OF-WAY EAST OF MONTGOMERY STREET, S.E., CONSISTING OF APPROXIMATELY 0.38 ACRES, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A;" TO ABANDON A PORTION OF MONTGOMERY STREET S.E. BETWEEN WOODBINE AVENUE AND UNIMPROVED RIGHT-OF-WAY, CONSISTING OF APPROXIMATELY 0.04 ACRES AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "B;" TO INCORPORATE BY REFERENCE BOTH EXHIBITS "A" AND "B" REPRESENTING PROPERTY LYING AND BEING IN LAND LOT 207 OF THE 15TH DISTRICT, FULTON COUNTY, GEORGIA; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any)

Mayor's Staff Only

Received by CPO: \_\_\_\_\_ Received by LC from CPO: \_\_\_\_\_  
(date) (date)

Received by Mayor's Office: 7/12/07 Reviewed by: \_\_\_\_\_  
(date) (date)

Submitted to Council: \_\_\_\_\_  
(date)